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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:
JIMMIE LEE PENNY

Chapter 13
Case No. 11-60402 SLJ

MOTION FOR ORDER
GRANTING HARDSHIP DISCHARGE
PURSUANT TO 11 U.S.C. 1328(b)

Debtor(s)
_____ /

The Debtor(s) hereby move for an order granting a hardship discharge pursuant to 11 U.S.C. 1328(b), as follows:

1. Debtor(s) herein filed a Petition for Relief under Chapter 13 of the Bankruptcy Code on November 10, 2011. The plan, as it may have been modified, was confirmed on January 11, 2012.

2. The Debtor has not yet made the final payment in this case.

3. The Debtor's failure to complete the Chapter 13 plan is due to circumstances for which the Debtor(s) should not justly be held accountable, as described in the Debtor's Declaration filed herein.

4. Modification of the plan is not practical, in that it would not be able to cure the defect that disqualifies the Debtor for a discharge pursuant to 11 U.S.C. Sec. 1328(a).

5. The value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the Debtor(s) had been liquidated under Chapter 7 of title 11, U.S.C., on such date.

1 WHEREFORE, Debtor(s) request that the Court grant a hardship discharge, or grant other just
2 relief.

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4 Dated: 10-3-13

Norma Hammes
GOLD and HAMMES,
Attorneys for Debtor